

REMARKS/ARGUMENTS

Claims 1 - 20 are presented for Examiner's consideration. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1 - 3, 7, and 16 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. patent number 459,516 issued to Wheeler. Wheeler shows a toilet paper roll in Figure 2 having one long slit and one short slit between adjacent sheets and having a single point of attachment f. The purpose/intent of Wheeler's roll is to provide a narrow attachment point with a long slit adjacent the roll's edge such that pulling on the tail causes the sheet to rip free rather than unwinding additional sheets from the roll as discussed starting at page 1, column 1, line 45. As such, the location of the long slit is specifically and purposely located for each sheet such that it alternates from side to side between adjacent sheets. As stated on page 2, column 1, line 13:

The principle of this invention, as shown applied in Figs. 1 and 5, is to so arrange the points of attachment and severance that those upon one edge of a sheet will be out of line with the points of severance uniting its opposite edge with the next sheet.

Thus, the location of the longer slit is not random, but rather, specifically positioned. Additionally, Figure 2 of Wheeler shows only one (1) long slit and one (1) short slit. There is no plurality of first slits shown.

The Applicants respectfully traverse that Claim 1 is anticipated since claim 1 recites that each weakened line between adjacent wipes includes a plurality of first-type weakened zones.¹ Wheeler does not disclose a plurality of first-type slits for each weakened line. Figure 2 shows only one short slit for each weakened line and one long slit. One of each slit is not a plurality of one type. Figure 4 shows two short slits and one long slit for one of the weakened lines, but the next weakened line has no short slits and only two long slits. Even if the two short slits were considered a plurality of first-type weakened zones by the Examiner, the next weakened line does not include any first-type weakened zones (no short slits) since the illustrated slits are the same as the longer slit in the first weakened line. As such, the longer slits must be the second-type weakened zone. Thus, the illustrated adjacent toilet paper sheets in Wheeler do not show "each weakened line including a plurality of first-type weakened zones" as recited in claim 1.

¹ Plurality is defined as: A large number or amount; a multitude. The American Heritage College Dictionary, Third Edition © 2000.

Furthermore, claim 1 recites that "the second-type weakened zone is randomly positioned along the weakened line." As shown above, the longer slits of Wheeler are anything but randomly placed. Wheeler specifically teaches how the longer slits are to be positioned for every sheet to ensure that the free tail of the toilet paper is pulled at an angle allowing it to rip without unwinding the remaining paper on the roll. For at least the above reasons, claims 1 - 3, 7 and 16 are not anticipated by Wheeler.

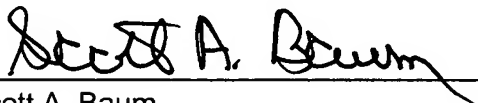
Claims 4 - 6, 8 - 15, and 17 - 19 stand rejected under 35 U.S.C. §103(a) over WO 02/096255 in view of Wheeler U.S. patent 459,516. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicants' disclosure. See MPEP § 2143 citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 4 - 6, 8 - 15, and 17 - 19 are not obvious since the proposed combination fails to teach or suggest all the claim limitations. As stated by the Examiner, the primary reference (WO 02/096255) does not disclose the claimed structure of the weakened line. However, as argued above, the secondary reference (Wheeler) does not disclose or suggest the claimed structure either. As such, a proper *prima facie* obviousness rejection has not been established by the Examiner for these claims.

For the reasons stated above, it is believed that all currently pending claims are in a condition for allowance. Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. The undersigned may be reached at: (920) 721-7760.

Respectfully submitted,

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CERTIFICATE OF MAILING

I, Lanette Burton, hereby certify that on August 18, 2005, this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Lanette Burton
Lanette Burton

APPENDIX

Amendments to the Drawings:

The nine (9) attached replacement sheets of formal drawings replace originally filed informal Figures 1 – 9. No amendments are being made and no new matter is believed to be introduced by the formal drawings over that previously shown in the informal drawings.